

The Mayflower Isn't Sailing Very Smoothly

After six years of negotiations, the Mayflower developers and the Heber Valley Sanitation Special Service District still have not agreed to a contract allowing the 868-unit resort, seven miles north of Heber City, to connect to the District's sewage disposal system.

At this time, the two sides are at a stalemate. We can't offer any advice, but we would like to make some observations.

To begin with, we commend the members of the Board on several counts.

We admire their perseverance. We've sat in on some of the negotiations and listened while the same issues have been discussed, argued, reasoned, over and over, round and round. As our backs ached, our heads nodded, and our eyelids drooped seeking sleep, the members of the Board sat up straight and apparently alert. How they could sit through all those meetings, all these years, we can't figure.

We also commend them on holding fast to some principles on behalf of the sewer users they represent. There are too many instances in which people outside of Wasatch County want what we have and take it without paying a fair price for it — like recreation, which requires our law enforcement service but doesn't pay for it, or wildland fires our County fights out of its own pocket.

It seems reasonable for the Board to insist that Mayflower's "reservation" or option on the sewer facility should not continue forevermore without putting up some earnest money. Dinner reservations and real estate deals are cancelled if you don't show up with your money within a reasonable amount of time.

Mayflower representatives point out they have already invested a lot of money. But it has been to pay for studies and research, indicating a commitment to build the resort but not a commitment to the District.

What is too bad is that the District Board, and the people representing Mayflower, sit at the bargaining table as adversaries rather than as partners trying to resolve a problem in a way that will benefit everyone. Someone has observed that each side is so determined to defend its position that neither is hearing or understanding the other's problems. But, even if they did, we're not so sure either side could or would compromise on the issues that are now holding them up.

Although we have been excited about the prospects of Mayflower being built in Wasatch County, maybe it isn't so special. Certainly Mayflower shouldn't be given any special privileges that aren't available to anyone else who wants to use our sewer system. We welcome anyone who is willing to share the load of the sewer costs, but, as the Chairman of the Board, Midway Mayor Gene Probst, has pointed out, by the time Mayflower puts any money into the deal, the bond on the facility will be almost repaid.

When construction on Mayflower is finished, it should have a nice effect on our County's property tax base. But the County will also have to provide law enforcement, street maintenance, fire protection, etc. The rest of us can't expect Mayflower to pick up our tax tabs.

There's another reason we agree with the Board's caution about giving into Mayflower demands just to get them here. Another development is planned that will connect Mayflower and Deer Valley, including a road system. It seems logical that Mayflower residents will be more inclined to do business and shop in Park City than in the Heber Valley, simply because of geography, if nothing else changes.

And what if they all get together and petition for annexation to Summit County? There would be enough population in the area to pull it off at the polls. Any concessions we might make now, just to get Mayflower in, could be for naught.

Maybe we just got our backs up when Mayflower threw an old manipulation trick on the table a couple of months ago. To make a sale, some sales people will pressure a buyer by saying someone else has already indicated interest in an item. "If you don't sign on the dotted line right now, you may lose out," they tell us.

Mayflower's people have told us the Snyderville sewage treatment plant wants their business, and hinted that they can get a better deal there. Maybe so, maybe not. But, if it is so, why are they still talking to the Heber Valley District?

As we have already admitted, we have dozed off occasionally during the negotiations, and we haven't attended all the meetings. We may have missed something.

But, if neither side can compromise one more time and break the stalemate, we think it's Mayflower's loss. This is a beautiful place to live, and we've got a darned good sewer that doesn't even stink!

Mayflower Sewer Still Not Settled

3-29-89

Although the developers of the proposed Mayflower recreational development have rejected the latest contract proposal submitted by the Heber Valley Sewage Disposal Special Service District, they are proceeding with studies to determine where to lay their pipeline to the sewage treatment plant.

The District Board has finally formally agreed that the Mayflower may connect to the system, according to Bob Mathis, Wasatch County Planner, but the Board and the developers remain at odds on two issues in their contract negotiations. The District insists Mayflower should have no more than seventeen years to exercise its option to participate in the system

and that there should be an escalation clause that would add interest to its "up front" money if it isn't paid within five years. Mayflower objects to any time limit and to the escalation clause, even though representatives have said they expect to begin construction within six years.

Mayflower's attorney, Craig Smay, has asked the Wasatch County Commission to become involved in the negotiations, which have been going on for six years, in order to resolve the contract dispute. However, last week Chairman Mori Besendorfer said he felt the matter should remain between Mayflower and the Board. In the meantime, Mayflower's project designer, Bingham Engi-

neering, is working with Utah Department of Transportation (UDOT) engineers and other interested participants to determine the best alignment for the sewage line along the new U.S. 40, west of the Jordanelle Dam. Mathis said they are considering three possibilities: along the center of the highway or next to it on either side. He said the study would be completed in about a month.

The alignment for the pipeline must be decided soon, especially if the center alignment is selected, because the line has to be buried before the current road construction is completed. Two lanes are scheduled to be finished and ready to use

by next fall so the final phase of dam construction across the present highway can begin. UDOT has not yet announced when construction on the final two lanes of the new highway will begin.

Smay has reported the developers have talked with representatives of the Snyderville Sewer District and that they are prepared to run their sewer line to Snyderville if they can't reach a satisfactory agreement with the Heber Valley District. Mathis said that is still a possibility.

He also made it clear that the "door is not closed" between the Heber District and Mayflower, although it isn't "wide open."

Developers reject latest sewer plan

27 Mar 1989
By SONNI SCHWINN

Heber City Correspondent

HEBER CITY — The developers of the proposed Mayflower recreational development, seven miles north of Heber City, have rejected the latest contract proposal submitted by the Heber Valley Sewage Disposal Special Service district. But they are proceeding with studies to determine where to lay their pipeline to the sewage treatment plant.

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Mayflower Requests Annexation To County Sewer District

7 June 1989

The developers of the planned Mayflower Recreation Community, seven miles north of Heber City, have requested annexation into the Heber Valley Sewage Disposal Special Service District, after four years of fruitless negotiations with the district board for sewage service.

Craig Smay, attorney for Mayflower, filed the petition for annexation about three weeks ago and explained the reasons for the request to the County Commission on Monday. He said there is no more time left for negotiating with the district board because Mayflower plans to lay the sewer pipe along the new U.S. Highway 40. Mayflower engineers must work out the alignment of the sewer line and other details with the Utah Department of Transportation and the U.S. Bureau of Reclamation during the next few months.

"But before anybody initiates three kinds of discussions, or gets very deeply into them, and invests a lot of money in it, we need to be sure the pipe through the highway is going to go somewhere and that we're going to be able to have sewage treatment once it gets into

the valley," Smay told the commissioners. He said as far as Mayflower is concerned, "A contract really is not available which provides the (sewer) service at the same price that being is paid by current residents in the district."

He said Mayflower is willing to pay its share to reimburse users for what they have already re-paid on the bonds that financed the sewer plant construction. However, he said Mayflower objects to the board's insistence that they must pay a share of the entire construction cost which includes a government grant. That would mean Mayflower would be paying costs the district had already been reimbursed for.

"The Mayflower people told me they can't and shouldn't be required to do that, and that it effectively prices the service out of reach," Smay said.

He explained that any major contract like the one proposed by Mayflower must be unanimously approved by the district board. Although there has been substantial support by board members for Mayflower's most recent proposals,

it has not been unanimous, he said.

Contract drafts have been passed back and forth between the board and Mayflower. Smay said he thought they had come to an agreement a couple of times but that there were always objections from board members. He said when he asked about the objections, he was told certain members of the board insisted that Mayflower had to pay money that had already been paid by the grant and that he was unable to change their minds.

The formula Mayflower proposes, he said, is to pay an impact fee based on how much of the facility the project will use. If it will require 20 percent, it would pay a 20 percent of what has been invested to date, as an impact fee. He said the impact fee would amount to a little less than \$3 million. Mayflower would then pay the usual user rates.

"What they were told, instead, was that rather than calculating the share based upon what the Heber Valley has paid... they had it calculated based on what the Heber Valley and the Federal Government

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Mayflower Annexation...

Continued from Page 1A

paid. The excess, above and beyond what the people here have paid, would be given back to the present (administration), as some sort of reimbursement," he said.

He said he was told the reasons for calculating it that way, but that none of them made any sense.

He said he doesn't entirely understand the reasons for the objections, but that they are "largely political." Therefore, he said, "You can beat your head against that wall from now until forever and not obtain a contract."

The alternative, then, is for Mayflower to be annexed into the district, in order to be charged the same as any other developer in the district, he said.

The Commissioners said they would need to talk in depth about the matter with the County Attorney, Steve Hansen. Then they scheduled an executive session next Monday afternoon, to include the commissioners, Hansen, Smay and Bob Mathis, county planner. They said at that time they would try to make a final decision on whether or not to pass a resolution and notice of intent to annex.

Mathis explained the process re-

quired an order to annex an area into a special service district. He said after the petitioners file their petition, the commission must vote to pass a resolution which contains a notice of intent to annex the action now pending. If passed, the resolution must be published for three consecutive weeks.

A public hearing will be held 45 days after the first notice is published, for public discussion of the annexation request. At that time, the commission will vote to annex or deny the request.

If no more than 50 percent of the qualified voters in the district oppose the annexation, it takes place. Unlike annexation to cities, the annexed area does not have to be connected to the district.

The commissioners estimated that the process is expected to take about to months.

Mathis said, "The best that could happen... is that both parties (the district and the developers) would realize that by not making a decision together, someone else is put in the position of having to make a decision. It's better to make your own decisions. That's what I hope comes of this. In either case, the commission is here to make the decision."

Mayflower seeking annexation into sewage district

By SONNI SCHWINN

Heber City Correspondent
HEBER CITY — The developers of the planned Mayflower Recreation Community, seven miles north of Heber City, have requested annexation into the Heber Valley Sewage Disposal Special Service District after four years of fruitless negotiations with the district board for a sewage service contract.

Craig Smay, attorney for Mayflower, filed the petition for annexation about three weeks ago and explained the reasons for the request to the county

commission recently. He said there is no more time left for negotiating with the district board because Mayflower plans to lay the sewer pipe along the new U.S. Highway 40.

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"But before anybody initiates those kinds of discussions, or gets very deeply into them, and invests a lot of money in it, we

need to be sure the pipe through the highway is going to go somewhere and that we're going to be able to have sewage treatment once it gets into the (Heber) valley," Smay told the commissioners.

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users for what they have already repaid on the bonds that financed the sewer plant construction. However, he said Mayflower objects to the board's insistence that they must pay a share of the entire construction cost, part of which was funded by a government grant. That would mean Mayflower would be paying costs the district had already been reimbursed for.

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out of reach," Smay said.

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Heber says 'not now' to Mayflower project annexation

By SONNI SCHWINN
Herald Correspondent

HEBER CITY — The Mayflower Project, six miles north of Heber City, cannot be annexed into the Heber Valley Sewage Disposal Special Service District right now, according to the Heber City attorney, but the Heber City Council is getting ready to fight the annexation in case they have to. The mayors of Midway and Charleston have said they will support the council.

The attorney for the Mayflower developers, Craig Smay, requested annexation into the district a month ago, after about five years of negotiating with the district board without reaching an agreement. But the Wasatch County Commission hasn't yet published the item in the newspaper, inviting comment at a public hearing. Since it must be published three times before the hearing, Heber City Mayor Gordon Mendenhall

said the council still has at least three weeks to form a plan protesting the annexation and to carry it out. But, at this point, that isn't necessary.

One reason Heber City doesn't want the annexation to take place is that Mayflower would have the right to be represented on the district board, replacing one of Heber's three representatives. Mayflower could also provide a representative as soon as it is annexed, before putting any money into the project, the same as Charleston city.

Jim Smedley, the Heber City attorney, stated in a letter to the council, dated July 7, that since Mayflower has already formed a special service district to provide sewage disposal, along with other services, the area can't also be annexed into another district to obtain the same service. He cited the following law:

"A service district may not

include the area of any other service district established by the county which is then providing the same service proposed to be supplied by the new service district."

He said the language is subject to at least two interpretations. But he said, "it would appear to me at this time that until the Mayflower Special Service District has been dissolved, the area now contained therein cannot be annexed into the Heber Valley Special Service District because it is a district already established to provide the same services as is supplied by the Heber Valley Special Service District.

"It would appear to me that the area presently covered by the Mayflower Special Service District cannot at the present time be annexed into and become a part of the Heber Valley Special Service District."

However, he added, "It would be a simple process to dissolve

the Mayflower Special Service District and make the area eligible for annexation."

Therefore, the Heber City Council decided at a special meeting last week to be prepared with a plan to fight the annexation. Eugene Probst, mayor of Midway city, and Alan Brown, mayor of Charleston city, told Heber City Mayor Gordon Mendenhall they would support Heber's protest.

If at least half the registered voters or property owners within the district protest the annexation, it cannot take place. Mendenhall said he knew of several city employees who would be glad to be paid to circulate petitions and that he would do it free.

If the Mayflower district is dissolved and the annexation process continues, the council would first publish its arguments against it, possibly using flyers. After the public understood the issues, the petitions would be circulated.

Councilman Scott Wright, one of Heber's representatives on the district board, explained that \$12 million of the money used to build the sewage treatment plant was federal money, and that federal grants are becoming more and more difficult to get. The board is insisting that Mayflower pay \$2.8 million to "buy into" the system. Half of that money will be set aside so that when the plant is worn out, or another treatment cell is needed, the money will be available, rather than the people already in the district having to bond in order to expand, he said.

Mendenhall, who is the secretary of the district, said anyone who requested service from the district would be required to pay a comparable impact fee, even if they are inside the district borders.

He also reported Mayflower would not accept the district's terms requiring that the money

be paid by the year 2005. Mayflower refuses to agree to any time limit. Smay has said the reason is that those who are financing the project either won't or can't come up with the money before construction is scheduled and no construction date has been set yet. But Mendenhall pointed out that one of the elements in any contract is time — that there must be some time limit before which the parties have to perform.

"We have kind of felt there is not a communication past the legal department to the Mayflower people. We have made several requests to talk to the financiers and have been denied that privilege," he continued.

He further reported talking to the engineers who are working on the preliminary plans for the Jordanelle State Park and that they plan to propose bringing all the Jordanelle sewage to the Heber Valley plant.

Heber City Council Report

Heber To Fight Mayflower Annexation

8-9-89
The Heber City Attorney, Jim Smedley, has drawn up a draft for a petition protesting the Mayflower developments annexation into the Heber Valley Sewage Disposal Special Service District. A public hearing on the issue will be held in the County Commission Chambers Aug. 28. According to Smedley, signed petitions will meet the requirement for written protests against the annexation.

An informational flyer, citing reasons for turning down Mayflower's request for annexation, is also being finalized by the engineer for the District. The flyers will be distributed to residents in the District before the petition is circulated for their signatures.

The reason the petition states for denying the request is: "The owners of the said properties [Mayflower] are attempting to come in without first agreeing to the amount they should pay for the privilege of having the use of a treatment plant that has already been paid for, in part, by people of Heber City and Midway. We believe the developers should submit to the terms and conditions of a reasonable impact expansion."

The Special Service District Board, made up of representatives from Heber, Midway, and Charleston, unanimously approved a resolution protesting the annexation.

Fire District Finances

Mayor Gordon Mendenhall reported that the audit report for the Wasatch County Fire Protection District shows the District owes Wasatch County \$112,603 for financing its first year of operation. During its second year of operation the District is operating on tax anticipation notes and is levying a tax.

"The thing that concerns me is if Wasatch County says, 'Hey, we've got to have that money.' Are we going to pay it, or where's it going to come from?" Mendenhall asked the Council.

He said that's the reason the City has held onto the \$40,000 per year it used to put into the Heber Valley Fire Department. "Let's see what's going to happen. We may have to pay that...Are they going to increase their certified tax rate to collect that, or are they going to come back to the members of the District?"

However, he said the County has not asked Heber City for the money yet.

Councilman Scott Wright, a member of the District Board, reported that he and Midway Mayor Eugene Probst, chairman of the Board, met with the County auditor, Jeff Bradshaw, and verified that the County Commission had approved a budget of \$140,000 for the current year. The tax rate increase

now being proposed is to bring the revenue up to that amount.

Mendenhall further reported that the Fire District operated at a loss of \$5,282 last year and is asking the firemen to contribute that amount from their fund. "They seem to be resisting that request," he said.

Sprinkling System

Mendenhall is preparing a proposal to present to the State Division of Water Resources to proceed with plans to provide a pressurized sprinkling system for the City. The Division presented preliminary plans for a countywide system several years ago but has not discussed it with local officials recently. Therefore, Wasatch County officials also are pursuing the matter with the State.

"I think the Division of Water Resources will keep their promise to us and we can get them to put in our pressurized sprinkling system if we feel like we want to trade them our 17th class high water out of the Provo River," Mendenhall said. He said the City isn't using the water it would trade and it's the worst water the City owns.

The City's spring in Valley Hills provides 2.5 second feet of water that is not being used, Mendenhall reported. He said another 2.5 second

feet should be acquired to provide the 5.0 second feet required for a sprinkling system, possibly by exchanging some of the City's water for Wasatch Canal water.

"If we could get a pressurized sprinkling system in our City, we could perpetuate our present culinary water supply for fifty years," he said.

Animal Euthanasia Drugs Request

The Council plans to pass a resolution next week requesting special permits that will allow the Police Department's Animal Control officer to purchase the drugs required for injections to destroy animals. Chief Jimmy Joel Matthews requested the resolution and reported that an officer has attended the Euphanasia School sponsored by the Humane Society.

Councilman Wayne Clegg explained that the gas chamber at the pound will continue to be used to put away most dogs. The drugs, he said, are needed so that animals that are injured can be put away immediately rather than having to be transported to the pound. Large animals, in particular, are difficult to transport, he said. Matthews said the drugs will also be used on large, vicious animals that are difficult to catch.

Mayflower Annexation In State of Flux

16 Aug 1989

Whether or not the Mayflower development should be annexed into the Heber Valley Solid Waste Disposal Special Service District is becoming increasingly complicated as new issues are added. Heber City Mayor Gordon Mendenhall told the City Council last week, during a special meeting, that the situation is still "in a state of flux."

The developers asked the Wasatch County Commission to annex the area into the district after being unable to reach an agreement with the Board after five years of negotiations. The Commission had no choice but to act on the request, according to Steven Hansen, County Attorney. However, none of the Commissioners have made any public statements to indicate if they favor the annexation or not.

Mendenhall told the Council that County officials asked the State Attorney General's Office for an opinion regarding the District Board's July 19th resolution protesting the annexation by the County Commission. The resolu-

tion made the point that the board had been given authority to conduct all business, except bonding and taxing. It further stated that a precedent had already been set in which the board previously recommended an area for annexation into the District, rather than vice versa.

Mendenhall said a written opinion was expected more than a week ago. However, it still has not been received.

"If, for some reason, the Attorney General should try to overturn that resolution then I think probably what the District ought to do is bring a lawsuit against them and tie them up for 20 years in the courts," Mendenhall, who is the secretary of the Board, told the Council. However, when questioned, he was not specific about who he thought should be sued.

If the Attorney General rules in favor of the District, the annexation won't take place, he said. However, if he rules against the District, "then Mayflower is going to come into the [District] without paying one single dime, because you have

to treat everybody the same...So all the \$3 million that Midway has paid and Heber has paid will go down the tube."

Councilman Lincoln Rasband pointed out that no matter what the legal opinion may be, the final decision may still have to be made in court.

Most of Charleston is included in the District, with representation on the board. However, Charleston residents don't use the sewage disposal plant yet and haven't had to pay an impact fee, or put any money into the project, and won't until they are ready to hook on.

In the meantime, the Heber City Council is getting ready to spearhead a petition campaign to protest the annexation, in case it becomes necessary, with full support from Midway Mayor Eugene Probst, chairman of the District Board, and Charleston Mayor Alan Brown, who sits on the board. The board also unanimously opposes the annexation. Heber City is also preparing a flyer in order to distribute accurate information to people in the District before they are asked to sign the petition.

Will Mayflower join district? Issues becoming complex

By SONNI SCHWINN
Heber City Correspondent

HEBER CITY — Whether or not the Mayflower development, six miles north of Heber City, should be annexed into the Heber Valley Solid Waste Disposal Special Service District is becoming increasingly complicated as new issues are added.

Heber City Mayor Gordon Mendenhall told the city council during a special meeting recently, that the situation is "in a state of flux."

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Hearing set on Mayflower plan

HEBER CITY — The Heber City attorney, Jim Smedley, has drawn up a draft for a petition protesting the Mayflower development's annexation into the Heber Valley Sewage Disposal Special Service District.

A public hearing on the issue will be held in the County Commission Chambers, Aug. 28. According to Smedley, signed petitions will meet the requirement for written protests against the annexation.

The developers of the recreational facility, planned for the Jordanelle area, requested annexation after negotiating with the Special Service District Board for five years without being able to agree to terms.

An informational flyer, citing reasons for turning down Mayflower's request for annexation, is also being finalized by the district's engineer. Heber City will distribute them to residents in the district before the petition is circulated for their signatures.

Mayflower area finally joins in Heber Valley special sewer district

By SONNI SCHWINN
Heber City Correspondent

HEBER CITY — After nearly five years of negotiating, the developers of the Mayflower Recreational Development, six miles north of Heber City, and the Heber Valley Sewage Disposal Special Service District have a signed agreement for the development to hook up to the Heber Valley sewage treatment plant.

The Wasatch County Commissioners and Midway Mayor Eugene Probst, chairman of the district board, signed the final contract early Tuesday morning. The terms of the contract are not yet available.

During a public hearing Monday morning, to discuss Mayflower's request to be annexed into the District, Probst announced the District Board and Mayflower had agreed to terms and would sign a contract as soon as a final copy was typed. Arie Bogard, Mayflower Project Director then announced that once the contract was signed, Mayflower would withdraw its request for annexation.

The Board had unanimously opposed the annexation and Heber City Mayor Gordon Mendenhall, secretary of the Board, spearheaded a campaign to enlist public support against it.

In the meantime, Probst continued to hold negotiation meetings. He reported meetings with member of the Heber Board, Craig Smay, attorney for Mayflower, and that Bogard flew in from Holland a month ago to participate in the discussions. The commissioners hinted that they would prefer a contract to annexation, but that they probably wouldn't turn down the annexation if there could be no agreement otherwise, and if public protest didn't prevent it.

Finally, last Saturday, Probst called a special meeting of the Board to meet with Smay and Bogard, to try to work out their difficulties before Monday's public hearing. They succeeded in coming to terms and met again Monday morning to go over the details and settle the fine points of the contract.

The public hearing was held as scheduled, because the annexation request hadn't yet been withdrawn. But Commission Chairman Moroni Besendorfer said the commission

would postpone its vote on the proposal until the final contract was prepared, because both sides indicated it would be signed.

During the hearing, former Heber City Mayor Kent Hiatt restated concerns he had previously expressed to the commission, pointing out that the treatment plant was only designed to treat sewage generated by 12,000 people and may not be capable of treating what Mayflower will probably generate, even if another cell is added for capacity. He said heavy metals that could be expected to flow from the Mayflower site could destroy the bacteria used in the treatment system. He said the EPA should be involved in deciding whether or not Mayflower sewage should be sent to Heber. Lay people should not be making those decisions, based on the reports of one consultant, who would be paid whether he was right or wrong, Hiatt said.

Smay assured him that the contract provides that any sewage sent from Mayflower must comply with State, Federal and County regulations.

"If, in fact, the Board found that something was being delivered to the treatment plant, from whatever source, which was causing difficulties, they may take a non-discriminatory approach to resolving that," he said.

David Wilson, chairman of the Board of Adjustment, asked why the negotiations have been so difficult and taken so long. He said the policies and regulations for getting sewage treatment should be clearly and specifically spelled out so that anyone who wants to participate in sewage facility knows ahead of time exactly what is expected. Using those policies and directives would prevent "an awful lot of bickering and turf battles that have been going on, battles of interpretation," he said.

Probst said the Board passed a resolution that does spell out the requirements for new users, including fees, and that it has been strictly followed. Smay explained the Mayflower's plan is "fairly extraordinary," raising questions about when construction is to begin and how much will be built at that time, which raised additional questions about when service would begin, and how much should be paid at that time.

Mayflower Withdraws Request For County Annexation

Sonni Schwinn

6 Sep 1989

The developers of the Mayflower Resort, six miles north of Heber City, withdrew their request for annexation in the District, after signing a contract for sewage service with the Heber Valley Sewage Disposal Special Service District on Aug. 29. The contract reflects compromise on both sides, addresses environmental issues, and specifically spells out the formulas for fees.

Mayflower requested annexation after nearly five years of negotiations with the District Board, without being able to agree to terms. But the two sides finally settled their differences two days before the Aug. 28 public hearing on the annexation, and smoothed out the fine points of the contract during the two hours just before the hearing.

Mayflower's contract is particularly significant because it binds the District to a non-discriminatory policy with respect to Mayflower, preventing any special considerations either for the development or the District. Therefore it specifically sets the precedents for all future developers that apply for sewage treatment at the Heber plant.

Both parties agreed to all terms but one in a contract drafted about seven months ago. The District refused to sign that document, drafted by Mayflower, because it put no time limit on when the developers would begin to pay into the system. Mayflower said investors would not agree to any time limit and the District insisted on a 15-year limit. The final contract does not include any deadline.

It does, however, state that Mayflower's impact fee will increase by six percent, compounded annually, beginning after the year 2005, if it isn't paid by that time.

The impact fee agreed to in the final contract is \$58,851 less than in the previous contract draft, but the expansion fee remains the same. Some members of the District Governing Board wanted Mayflower to repay a portion of the \$12 million EPA grant used in constructing the treatment plant. However, the

contract only requires the developers to reimburse a proportionate share of the bonds that provided the balance to build the \$18 million project.

The impact fee is based on the estimate that Mayflower's approximately 2,050 living units, including hotel rooms and single dwellings, will use 17.65 percent of the capacity of the system, which is 3.4 million gallons per day. According to the contract, Mayflower's impact fee will be \$1.328 million, as of 2004, its percentage of the bond payments on the facility, increasing at six percent per year beginning in 2006. The percentage will be re-examined and adjusted, if necessary, three years after service begins. The fee will then be recalculated, accordingly, and any difference will either be refunded to Mayflower or added to its fee. However, the new figure may not be based on fewer than 50 hotel units and 50 single family units.

In the previous draft, the Resort

would have been required to deposit its impact fee within one year after Wasatch County approved construction.

The requirements for the expansion fee were not changed. Mayflower will provide an expansion fee of \$1.42 million, the estimated cost to expand the facility because of the capacity taken up by the Resort. The original plant was designed with only enough capacity to treat the sewage generated by Heber City, the Midway Sanitation District, and property in Charleston, the entities that make up the District, and growth within their boundaries.

Mayflower will deposit in a bank, during the five years following the beginning of construction, annual payments that will accumulate interest and provide the total amount at the end of the five-year period. The District expects to have to begin expansion about five years after Mayflower begins to use the facility. Mayflower will receive a

refund if the construction is less than the expansion fee, or pay the difference if the expansion costs more.

If the expansion isn't required within eight years, Mayflower and the District will re-examine the need for expansion. If they can't agree, a Board of Arbitration will make a binding decision.

Mayflower will pay the usual user fees, including the periodic operation and maintenance charges now in effect, and whatever may be added in the future, the same as all other users.

Mayflower's fees do not entitle it to any ownership of property owned by the District, including any expansion. A metering system, to measure the Resort's flow, must be installed by Mayflower, but will become the property of the District. It will then be maintained and operated by the District.

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Over

Mayflower...

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Mayflower will also construct and maintain its own collection system and trunk line to the plant, which must be approved by the District's engineer. But the Resort will own those properties.

The contract further requires Mayflower to enact ordinances to regulate sewage discharges, similar to those passed by Heber City and the Midway Sanitation District and approved by the Heber Valley District. (Although Charleston prop-

erty is included in the District, it isn't using the plant.) The District also reserves the right to approve or reject any waste other than domestic sanitary sewage. Any other waste must comply with federal and state pre-treatment standards and be subject to appropriate special charges.

Once the trunk line is in place, other users may connect to it and will reimburse Mayflower. But they must have permission from the District, pay an appropriate impact fee and comply with all District and County regulations.

6 Sep 1989

County wants Mayflower, park to build sewer line

By SONNI SCHWINN

Heber City Correspondent

HEBER CITY — At last the

Mayflower Resort, six miles north of Heber City, signed a contract with the Heber Valley Sewage Disposal Special Service and now Wasatch County officials want the State Department of Parks and Recreation to work with Mayflower developers to build a joint trunk line to the Heber Valley treatment plant.

The county planner, Bob Mathis, said he has met with representatives of Mayflower, the Bureau of Reclamation, State Parks, and the District to discuss the cooperative effort. He and Midway Mayor Eugene Probst, chairman of the district governing board, then recommended that the county commission send a letter to the State Health Department, requesting financial and technical assistance to assess the feasibility of a sewer line to serve the area around the Jordanelle reservoir, and to plan it.

The Bureau plans to install a line large enough to carry sewage generated in the state park around the reservoir, but is not willing to subsidize private development. Bureau officials had indicated that if

Mayflower and the sewer district couldn't reach an agreement, they would go ahead with their own line. That could have meant at least two separate, parallel trunk lines, one for the parks and one for private development, including Mayflower.

However, now that the Mayflower developers have signed the contract, the two entities can combine their funds for one trunk line. Other developers have already expressed interest in sending their sewage to the Heber Valley plant and can be expected to hook onto the line and share the costs.

The cooperative effort will also make it more reasonable to demand that all state park campgrounds include sewer connections. County officials have made it clear that anything else would be unacceptable, but the Jordanelle Reservoir State Park Interim Report recommended composting toilets in some areas.

"We want to work with the State Health Department to make sure we've gone through all the appropriate hoops and that includes at least one public hearing by the time the plans are adopted," Mathis said.